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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/533,088 | 03/22/2000 | Miral Kim-E | 03284-P0001B | 8149 |

7590 10/21/2003

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EXAMINER

AKERS, GEOFFREY R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3624

DATE MAILED: 10/21/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/533088

Applicant(s)

Mikel

Examiner

Aher, g

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 9/22/03.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-58 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-58 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Reply to Response

1. This action is issued in reply to applicant's Response(Paper #5) filed 9/22/03.
2. No claims were amended. None were deleted. None were added.
3. Claims 1-58 as originally filed, are pending.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-58 are rejected under 35 USC 103(a) as unpatentable over Maggioncalda(US Pat. No: 6,012,044) in view of Horowitz(US Pat. No: 6,349,290).The rejection cited in the First Office Action is maintained.

6. As per claims 1-58 Maggioncalda teaches customer risk assessment for financial analysis(Abstract)(Fig 1-14b)(col 2 line 35-col 3 line 64) as well as a financial staging server and an advice server(Fig 1/110/120) and utilizing displays and communications channels(Fig 2) and including a pricing module, a factor module and a style analysis module and a portfolio optimization module(Fig 3/310/320/330/350).Maggioncalda also teaches developing a list of investments to enable a client to reach specified financial goals(Fig 4/430) as well as studing

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volatility and risk(Fig 5a) by product type and a user's risk tolerance scale(Fig 6) and analyzing the likelihood of achieving a goal for a user(Fig 8) as well as the risks associated with loss(Fig 10) and determining a combination of assets that maximizes the investor's utility(Fig 11/1110) and determining the optimal allocation among financial products(Fig 13/1350/1340).Horowitz teaches an automated system for both interactive and proactive customized and personalized advice for a customer by a financial institution(Abstract)(Figs 1-37)(col 1 line 65-col 5 line 48) as well as determining customer's intent and holding sessions(Fig 3) and the bank's intent(Fig 4) and setting forth tasks(Fig 5) and performing personalization and customization(Fig 6). Horowitz also teaches real time and historical aspects of customer's and bank's intentions(Fig 7/44) as well as an advice engine(Fig 9/88) and a presentation engine(Fig 10) and provision of fulfillment statuses(Fig 11)(Fig 12).Horowitz also teaches customer profile data(Fig 14), residence data(Fig 15), financial link data(Fig 16)(Fig 17) and communication link data(Fig 18) and a behavior database(Fig 20) and a products and services database(Fig 21) as well as the customer participating as a member of an advisory community(Figs 22-37). It would have been obvious to one skilled in the art at the time of the invention to combine Maggioncalda in view of Horowitz to teach the disclosure. The motivation to combine is to teach a customized and personalized product and service automated system that enables a financial institution to attract and retain new customers as enunciated by Horowitz(col 1 line 65-col 2 line 4).

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

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The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 1-58 are further rejected under 35 USC 112(2nd) for failing to point out with sufficient clarity and distinctly claim what applicant regards is the invention over the existing and prior art. Further discussion of the predetermined thresholding and the relationships between the customer risk rating and trade risk must be addressed (applicant's response page 7).

Response to Arguments

9. Applicant's arguments filed 9/22/03 have been fully considered but they are not persuasive. Both Maggioncalda and Horowitz teach systems which provide financial advice to an investor (applicant's Response page 7). Horowitz teaches defining a customer profile (Fig 10/94) as well as the customer's modus operandi (Fig 10/100) as well as providing appropriate advice on a trade (Fig 10/118) and has an appropriate customer products and services database for the customer's profile (Fig 13/96) as well as financial behavior of the customer in a database (Fig 13/100). Horowitz further teaches the customer reviewing his accounts (Fig 33/S131) and sending an e-mail query to a knowledge center advocate (Fig 33) as well as appropriate promotions being made to the customer (Fig 34) which may include financial investments for the customer. The system automatically selects the cross section of the customer population that might be appropriate (Fig 34/S141/S142) and communication between the customer and the advocate with respect to the customer's account (Fig 37)) col 43 line 60-col 44 line 16). In combination, Maggioncalda teaches an interface to provide a list of investments appropriate for the specified risk tolerance of an investor (Fig 4/74/430) and a display of recommended financial product

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portfolios(Fig 11)(col 2 lines 8-32).Without loss of generality, the recommendations put forth by the interface could be apportioned among a group(team) rather than a single investor who could act based on these recommendations.The final implentation of trading the recommebnded securities developed through analysis utilizing the interface and decision engines taught herein is just a causal outcome of this underlying process.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are

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unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to Technology Center 3600 or this Art Unit is (703)-308-3687. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)-308-1113.



October 20, 2003

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER